

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

FORREST LINTHICUM,)	
)	
Plaintiff,)	
)	
v.)	
)	
NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. d/b/a)	
NEW ENGLAND)	
COMPOUNDING CENTER,)	Civil Action No. 7:12-cv-585-JCT
)	
and)	
)	
IMAGE GUIDED PAIN)	
MANAGEMENT, P.C. d/b/a)	
INSIGHT IMAGING ROANOKE,)	
)	
Defendants.)	

**IMAGE GUIDED PAIN MANAGEMENT, P.C.'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

COMES NOW Defendant Image Guided Pain Management, P.C. d/b/a Insight Imaging Roanoke ("IGPM"),¹ by counsel, and moves the Court to dismiss Plaintiff's Complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for the reasons set forth in its Memorandum of Law filed contemporaneously herewith.

¹ At all times relevant hereto, IGPM was a Virginia professional corporation consisting of two physician shareholders who practiced medicine at 2923 Franklin Road Southwest, Roanoke, VA 24014. The name of the clinic where IGPM's physicians practiced was Insight Imaging—Roanoke. IGPM neither owns nor manages such clinic. Instead, that clinic is owned and managed by InSight Health Corporation ("Insight"). Insight is a Delaware corporation with offices across the United States and its principal place of business in Minneapolis, Minnesota.

Respectfully submitted,

IMAGE GUIDED PAIN
MANAGEMENT, P.C.

By: s/ Michael P. Gardner

John T. Jessee (VSB No. 18745)
Nancy F. Reynolds, Esq. (VSB No. 38236)
Michael P. Gardner (VSB No. 80380)
LeClairRyan, A Professional Corporation
1800 Wells Fargo Tower
Drawer 1200
Roanoke, Virginia 24006
(540) 510-3000 (telephone)
(540) 510-3050 (facsimile)
john.jessee@leclairryan.com
nancy.reynolds@leclairryan.com
michael.gardner@leclairryan.com

*Counsel for Defendant Image Guided Pain
Management, P.C*

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following:

Russell W. Updike, Esquire
Nolan R. Nicely, Jr., Esquire
Jennifer K. M. Crawford, Esquire
Wilson, Updike & Nicely
228 North Maple Avenue
P.O. Drawer 590
Covington, Virginia 24426
Telephone: (540) 962-4986
Facsimile: (540) 962-8423
wtwrwulaw@aol.com

Counsel for Plaintiff, Forrest Linthicum

Rebecca S. Herbig, Esquire (VSB No. 65548)
Bowman and Brooke, LLP
1111 East Main Street, Suite 2100
Richmond, Virginia 23219
Telephone: (804) 649-8200
Facsimile: (804) 649-1762
rebecca.herbig@bowmanandbrooke.com

*Counsel for Defendant New England
Compounding Pharmacy, Inc., d/b/a New
England Compounding Center*

By: s/ Michael P. Gardner

John T. Jessee (VSB No. 18745)
Nancy F. Reynolds, Esq. (VSB No. 38236)
Michael P. Gardner (VSB No. 80380)
LeClairRyan, A Professional Corporation
1800 Wells Fargo Tower
Drawer 1200
Roanoke, Virginia 24006
(540) 510-3000 (telephone)
(540) 510-3050 (facsimile)
john.jessee@leclairryan.com
nancy.reynolds@leclairryan.com
michael.gardner@leclairryan.com

*Counsel for Defendant Image Guided Pain
Management, P.C.*